

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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**PCT**

## WRITTEN OPINION (PCT Rule 66)

		Date of mailing (day/month/year)      25.05.2004
Applicant's or agent's file reference 61.S3502WO17		<b>REPLY DUE</b> <b>within 3 month(s)</b> from the above date of mailing
International application No. PCT/IB 03/03207	International filing date (day/month/year) 30.07.2003	Priority date (day/month/year) 02.08.2002
International Patent Classification (IPC) or both national classification and IPC F04D29/28		
Applicant SPAL S.R.L. et al.		

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I     Basis of the opinion
  - II    Priority
  - III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV    Lack of unity of invention
  - V    Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI    Certain documents cited
  - VII    Certain defects in the international application
  - VIII    Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 02.12.2004

Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer <b>Avramidis, P</b> Formalities officer (incl. extension of time limits) Kermani, N Telephone No. +49 89 2399-7740
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**I. Basis of the opinion**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

**Description, Pages**

1-7 as originally filed

**Claims, Numbers**

1-11 as originally filed

**Drawings, Sheets**

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5.  This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1,4
Inventive step (IS)	Claims	2,3,5-11
Industrial applicability (IA)	Claims	

**2. Citations and explanations****see separate sheet**

**Re Item V**

**Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The document US-A-2 980 990 (D1, cf. fig. 1 and description), which is considered to represent the closest prior art to the subject-matter of claim 1, shows (the references in parentheses applying to this document) a centrifugal fan impeller having an axis of rotation and comprising one module comprising a mounting disc (16), one connecting ring (19) and a plurality of blades (10) extending between the mounting disc and the connecting ring, the blades being connected to the disc and ring at an angle  $\alpha$  relative to the axis of the impeller, whereby said angle  $\alpha$  is between 12 and 15 degrees.

All features of claim 1 are known from D1. Consequently, the present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 1 is not new.

2. Dependent claims 2-11 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty or inventive step. The features of these claims relate to minor constructional details which, as far as they are not known from documents cited in the search report, come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

**Further remarks**

1. Expressions set in parenthesis, for example "sexagesimal", are not permitted since they are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim unclear. This applies also to the angles  $\alpha$ ,  $\beta$ ,  $\gamma_1$  and  $\gamma_2$  which are set in parenthesis.